

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUSAN CHERRY and JOHN CHERRY,

Plaintiff(s)

- against -

DONNIE FUSSELL, FLORIDA BEAUTY
EXPRESS and FLORIDA BEAUTY FLORA
TRANSPORTATION,

Defendant(s)

**DEFENDANT'S FIRST SET
OF INTERROGATORIES
TO PLAINTIFFS**

Docket #: 14-CV-2665
Nelson Stephen Roman presiding
Paul E. Davison, referral

PLEASE TAKE NOTICE, that defendant, John Cherry, by their attorneys, KAY & GRAY, submits to plaintiffs, Susan Cherry, the following interrogatories which are to be answered fully and in writing, under oath, within the time and in accordance with the procedures specified in Rule 33 of the Federal Rules of Civil Practice.

The responses should include all information known up to the date of the verification of the answers to these interrogatories. These interrogatories are deemed to be continuing, requiring plaintiffs to provide verified supplemental answers setting forth any additional information within the scope of the interrogatories as may be acquired by plaintiffs, plaintiffs' agents or representatives, subsequent to each original answer. See Rule 26(e) of the Federal Rules of Civil Procedure. Such supplemental responses are to be filed and served upon the defendant within thirty (30) days after receipt of such information but no later than the time of trial.

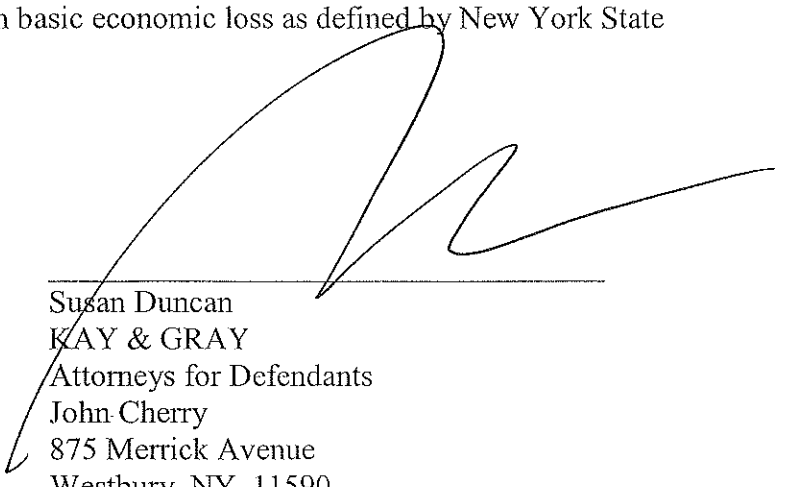
1. State whether the plaintiffs suffered a "serious injury" as defined by the New York State Insurance Law, Section 5102(d).

2. If the response to Interrogatory No. 1 is affirmative, state in what respect plaintiffs have sustained a serious injury as defined by New York State Insurance Law, Section 5102(d).

3. State whether the plaintiffs sustained economic loss greater than basic economic loss as defined by New York State Insurance Law, Section 5102(a).

4. If the response to Interrogatory No. 3 is affirmative, state in what respect plaintiffs have sustained economic loss greater than basic economic loss as defined by New York State Insurance Law, Section 5102(a).

DATED: Westbury, New York
October 29, 2014



Susan Duncan
KAY & GRAY
Attorneys for Defendants
John Cherry
875 Merrick Avenue
Westbury, NY 11590
516-229-4417

TO:
Alan R. Chorne, Esq.
Attorneys for Plaintiff
Susan Cherry
41 Madison Avenue, 40th Fl.
New York, NY 10010

Alan I. Lamer, Esq.
Attorneys for Codefendants
Donnie Fussell, Florida Beauty Express and Florida Beauty Flora Transportation
555 Taxter Road
Elmsford NY 10523

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK) SS.:
COUNTY OF NASSAU)

Vanessa Cuffie, being duly sworn, deposes and says that she is not a party to this action and is employed by the attorneys for the within named defendant(s) herein. That on the _____ day of _____, 20____, she served the annexed DEFENDANTS FIRST SET OF INTERROGATORIES upon the following named attorney(s) and party(s) by depositing a true copy of the same securely enclosed in a post-paid wrapper in a Post Office Box regularly maintained by the United States Government at 875 Merrick Avenue, Westbury, NY 11590, in said County of Nassau directed to said attorney(s) and party(s) at:

Alan R. Chorne, Esq.
Attorneys for Plaintiff
Susan Cherry
41 Madison Avenue, 40th Fl.
New York, NY 10010

Alan I. Lamer, Esq.
Attorneys for Codefendants
Donnie Fussell, Florida Beauty Express and Florida Beauty Flora Transportation
555 Taxter Road
Elmsford NY 10523

that being the address within the State designated by them for that purpose upon the preceding papers in this action, or the place where they then kept an office, between which places there then was and now is a regular communication by mail.

Deponent is over the age of eighteen (18) years.

Vanessa Cuffie

Sworn to before me this
_____ day of _____, 20____

Notary Public

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KAY & GRAY
Attorneys for the Defendant(s)
John Cherry
Office and Post Office Address
875 Merrick Avenue
Westbury, NY 11590
516-229-4417

To:

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41 Madison Avenue, 40th Fl.
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Due and timely service of a copy of the within _____ is hereby admitted.
Dated October 29, 2014